

# Memorandum



**Date:** January 24, 2006

**To:** Diane O'Quinn-Williams, Director  
Department of Planning and Zoning

**From:** Jose Gonzalez, P.E., Assistant Director  
Environmental Resources Management

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over the printed name.

**Subject:** C-14 #Z2005000144-Revised  
Royd Lemus & Raquel Lau, JTRS  
SW corner of SE corner of SW 177<sup>th</sup> Avenue & 208<sup>th</sup> Street  
District Boundary Change from AU to BU-1A,  
Non Use Variance of Wall Requirements, to Permit Parking on Natural Terrain and to  
Waive the Right-of-Way  
(AU) (2.5 Ac.)  
12-56-38

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The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Supply and Wastewater Disposal:

Public water and public sanitary sewers are located approximately four miles from the subject property; consequently, the subject property would have to be served by an on-site drinking water supply well and a septic tank.

Section 24-43.1(4) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by a septic tank as a means for the disposal of domestic liquid waste, if the proposed land use generates liquid waste other than domestic sewage. There are activities that are inherent to land uses permitted in the proposed zoning classification that generate liquid waste other than domestic sewage.

Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that nonresidential land uses served by a septic tank and public water may only be approved, if among other requirements, the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-43.1 (4) of the Code.

The Environmental Quality Control Board has granted the applicant's request for variances from the requirements of sections 24-43.1 (4) and 24-43.1 (6) of the Code to allow the use of an on-site drinking water supply and a septic tank to serve the proposed farmer's market, subject to the conditions stated in Board Order No. 99-35. Accordingly, DERM may approve the application and the same may be scheduled for public hearing before the Community Zoning Appeals Board.

Notwithstanding the foregoing, the DERM approval of the on-site drinking water supply well will be subject to compliance with the minimum drinking water standards for a potable water supply well, including DERM

review and approval of the on-site well and water treatment system. The applicant shall also obtain an annual operating permit from the Water Supply Section of DERM for the potable water supply system. The applicant is advised that a minimum separation distance of 100 feet is required from septic tank drainfields, from all surface waters and from any other source of contamination.

Additionally, the owner of the property has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Sections 24-43.1(4)(a) and 24-43.1(6)(h) of the Code.

**Stormwater Management:**

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans. The applicant is advised to contact DERM for further information regarding permitting procedures and requirements.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year/1-day storm event with full on-site retention of the 25-year/3-day. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the Level of Service (LOS) standards for flood protection set forth in the Comprehensive Development Master Plan (CDMP) subject to compliance with the conditions required by DERM for this proposed development order.

**Operating Permits:**

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant should be advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required. It is therefore suggested that the applicant contact DERM concerning operating requirements.

**Tree Preservation:**

There are no tree resources issues on this property. Therefore, no tree permits will be required.

**Wetlands:**

The subject site is not located in jurisdictional wetlands as defined in Section 24-5 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

**Enforcement History:**

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation-P&Z  
Ron Connally, Zoning Hearings- P&Z  
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z